

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWIGHT R. SHELTON, JR.,  
Petitioner,  
v.  
USDC NORTHERN ALABAMA,  
Respondent.

No. 2:21-cv-2113-EFB P

ORDER

Petitioner is a federal prisoner proceeding without counsel in this petition for writ of habeas corpus brought under 28 U.S.C. § 2241. ECF No. 1.

Petitioner is confined in Folsom State Prison. ECF No. 1 at 1. He is currently serving a state sentence of 25-years-to-life plus four years and four months. *Id.* While petitioner provides scant context, he was apparently convicted of violating federal law, possibly at or near the same time that he was convicted by the state. He alleges that he was sentenced by the U.S. District Court for the Northern District of Alabama on May 17, 2011 to a term of 17 months to be served concurrently with his state sentence and to a term of 12 months to be served consecutively to the state sentence. *Id.* According to petitioner, the district court failed to credit his federal sentence with approximately 270 days<sup>1</sup> that he spent in pretrial custody.

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<sup>1</sup> Petitioner is not clear on the precise number of days of custody credit he believes he is entitled to. ECF No. 1 at 8 (270 days), 4 & 5 (272 days), and 2 & 7-8 (277 days).


United States District Courts have authority under 28 U.S.C. § 2241 to grant petitions for writ of habeas corpus to federal prisoners “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c). The court should award the writ or issue an order to the respondent to show cause why the writ should not be granted “unless it appears from the application that the applicant or person detained is not entitled” to relief. 28 U.S.C. § 2243. If it appears that the petitioner is not entitled to relief, the court may dismiss the petition. *Ruby v. United States*, 341 F.2d 585, 586-87 (9th Cir. 1965).

It does not appear from the petition that petitioner is not entitled to relief. Accordingly, it is hereby ORDERED that:

1. Respondent shall file a response to the petition within 30 days from the date of this order. An answer shall be accompanied by all transcripts and other documents relevant to the issues presented in the petition.
2. If the response to the petition is an answer, petitioner’s reply, if any, shall be filed and served within 30 days of service of the answer.
3. If the response to the petition is a motion, petitioner’s opposition or statement of non-opposition to the motion shall be filed and served within 30 days of service of the motion. Respondent’s reply, if any, shall be served within 15 days of service of the opposition.
4. The Clerk of Court shall serve a copy of this order, together with a copy of the petition (ECF No. 1) on the United States Attorney.

So ordered.

DATED: January 14, 2022.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE